

Land Development Code Improvement Committee Main Committee Meeting



Louisville Metro Planning & Design Services

November 5, 2013

LDC Improvement Committee

AGENDA

- INTRODUCTIONS / ANNOUNCEMENTS
- MISCELLANEOUS RESEARCH SUB-COMMITTEE RECOMMENDATIONS (ITEM #21) - 10 MIN
- FAIR & AFFORDABLE HOUSING SUB-COMMITTEE RECOMMENDATIONS (ITEMS #4.1 & 4.2) - 5 MIN
- PERMITTED / CONDITIONAL USE SUB-COMMITTEE RECOMMENDATIONS (ITEMS #1-3 & 20-34) - 60 MIN
- CONSERVATION SUBDIVISION REVISIONS - 45 MIN
- NEXT SCHEDULED COMMITTEE MEETING
TUESDAY, NOVEMBER 19, 2013
3:00 - 5:00 PM
METRO DEVELOPMENT CENTER
444 SOUTH FIFTH STREET
FIRST FLOOR CONFERENCE ROOM

LDC Timeline

- Complete all LDC Main Committee meetings by Dec. 31, 2013.
- Jan/Feb 2014 - Planning Commission public hearing
- Feb/Mar 2014 - Metro Council begin reviewing Round Two proposal.

- Remaining LDC Main Committee Meetings
 - November 5 - Miscellaneous Research (Items #21)
Fair & Affordable Housing (Items #4.1 & 4.2)
Permitted/Conditional Uses (Items #1-3 & 20-34)
Conservation Subdivision Revisions

 - November 19 - Transportation
Form Districts

 - December 3 - Landscaping

 - December 17 - Landscaping

Miscellaneous Research Sub-committee Report

Item #21 - Stream Buffer Across Property Lines & Top of Bank Determination (Deferred to 11/5/13 meeting)

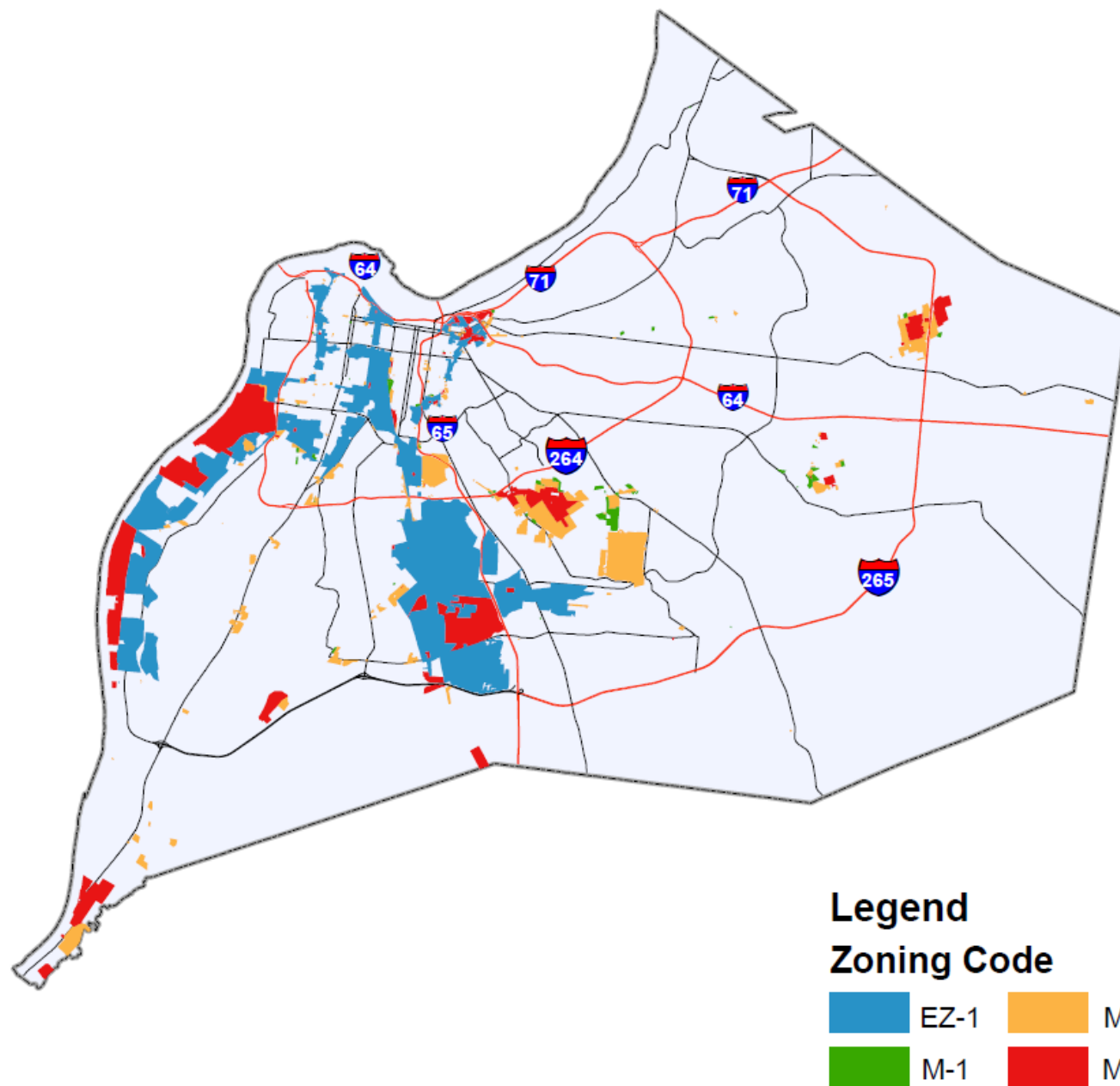
- The following changes are proposed for Section 4.8.3 Protected Waterways, which is the portion of the LDC that explains how the boundaries of required stream buffers are delineated.
 - 1) The amendment to the definition of perennial stream discussed in Item #6 of this report triggered the elimination of the reference to U.S.G.S maps in Section 4.8.3.A.1.
 - 2) Intermittent streams are now required to have a Type A buffer area (25') as required by this section.
 - 3) In Section 4.8.3.C.1, additional language has been added that allows the Planning Director, with input from Army Corps of Engineers, United States Geological Survey, Kentucky Division of Water, the Metropolitan Sewer District, the Natural Resources Conservation Service or other informed parties, to make a final determination as to where a certain stream “top of bank” is located.
 - 4) In Section 4.8.3.D, a new statement is being added to further explain that the stream buffer requirements of this section apply even when streams and their required parallel buffers cross property lines.

Fair & Affordable Housing Sub-committee Report

Item #4 - Allow Multi-Family Residential in Additional Zones

- 1) Allow multi-family residential as a permitted use in the EZ-1 zoning district in any form district. Multi-family residential is currently allowed only in the Traditional Form Districts in the EZ-1 zone as a permitted use with special standards (Section 4.3.5). Section 4.3.4 also currently allows multi-family residential on EZ-1 zoned properties in the Suburban Workplace form district only if an existing structure is being reused. The sub-committee proposes eliminating Sections 4.3.4 & 4.3.5 from the Land Development Code. Section 2.6.1 should be amended to allow multi-family residential as a permitted use at a maximum density of 217 dwellings per acre, which is the density previously used in Section 4.3.4 (density equivalent to OR-3, OTF, C-2, W-1 & W-2 zones.) (Defer to 11/5/13 meeting)
 - 2) Allow multi-family residential as a permitted use in the PRO Professional Research Office zoning district. Proposed residential density in PRO should be the same as another similar zone, PEC Planned Employment Center. PEC's residential density is the same as C-1, 34.84 dwellings per acre.
- COMMITTEE TO MAKE A DECISION WHETHER TO REVISIT THESE ITEMS OR MOVE ON WITHOUT ANY ACTION

Jefferson County Enterprise and Industrial Zoning



Permitted/Conditional Use Sub-committee Report

ITEM #1 – Golf Course Listings (To be discussed at 11/5/13 meeting)

Golf courses are currently regulated differently in the LDC depending on whether they are public or private. Public courses are allowed in almost all zones as a permitted use, while private courses are allowed in only a few zones after the granting of a conditional use permit. The sub-committee feels that the impact a golf course has on the surrounding area is the same whether the course is considered private or public. Therefore, the changes below are proposed to create consistency with how all golf courses should be regulated by the LDC, with no distinction between private courses and public courses. Golf courses will be a permitted use with special standards under Section 4.3.XX.

Section 4.3.XX – Golf Courses

All golf courses may be permitted in any zoning district in accordance with the following special standards:

- A. **Golf course must be a regulation 9-hole or 18-hole course (including Par-3 courses).**
- B. **All buildings and structures shall be at least 30 feet from any property line.**
- C. **Protection of Adjacent Properties – Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.**
- D. **Signs – Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.**
- E. **Lighting – Any lighting features on the golf course must be directed toward the interior of the course and not in the direction of any adjacent property.**
- F. **Hours of Operation – Golfers may play the course between the hours of 7 a.m. and 10 p.m. Maintenance, cleaning and general upkeep of the golf course by employees or other authorized personnel is not required to be conducted during the aforementioned hours.**

Golf courses must also be removed from the permitted use listings in the following zones: R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1 and PEC.

Permitted/Conditional Use Sub-committee Report

ITEM #1A– Golf Courses with Food or Alcoholic Beverage Service Conditional Use Permit (To be discussed at 11/5/13 meeting)

The following is a new conditional use permit section being created for golf courses that include food or alcoholic beverage service on the premises.

Section 4.2.27

Golf courses which have a retail food establishment permit or an ABC license and which serve food or alcoholic beverages to any person who is not a member (or guest of a member) of the ownership or operating entity of the golf course may be allowed in any zoning district upon the granting of a Conditional Use Permit and compliance with any conditions of approval imposed by the Board of Zoning Adjustment, which may include the following:

- A. **Location and size of buildings and structures.**
- B. **Type of food permit or ABC license.**
- C. **Buffering of adjacent properties.**
- D. **Signage.**
- E. **Golf ball driving directions.**
- F. **Hours of operation.**
- G. **Lighting.**
- H. **Traffic considerations, and**
- I. **Environmental considerations**

Permitted/Conditional Use Sub-committee Report

ITEM #2 – Elimination of Private Golf Course Conditional Use Permit (To be discussed at 11/5/13 meeting)

Since Item #1 above allows all golf courses as a permitted use with special standards, the following section allowing private golf courses only in certain zones as a conditional use permit is no longer needed and should be eliminated from the LDC. The new language in Item #1A above will utilize this section number in the LDC, Section 4.2.27.

4.2.27 — Privately Owned Golf Courses Operated for a Commercial Purpose

~~Golf Driving Ranges, Miniature Golf Courses, and Privately Owned Golf Courses Operated for a Commercial Purpose may be allowed in the R-R, R-1, C-2, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

- ~~A. All buildings and structures shall be at least 30 feet from any property line.~~
- ~~B. Protection of Adjacent Properties - Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.~~
- ~~C. Signs - Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.~~
- ~~D. Driving Directions - All golf ball driving directions shall be away from any street, highway or residential area.~~

ITEM #3 – Private Club (To be discussed at 11/5/13 meeting)

No changes proposed to private clubs or country clubs.

Permitted/Conditional Use Sub-committee Report

ITEM #20 - Allow Non-residential C-2 Permitted Uses in M-1 Zoning District

- For the most part our Land Development Code uses a hierarchical zoning district system, except for the industrial zoning districts. Office zones allow residential land uses. Commercial zones allow office and residential land uses. Logic would then suggest that the industrial zones would allow commercial, office and residential land uses, but that is not the case. The industrial zones are basically on an island by themselves. The sub-committee discussed this system. Research shows it was a popular trend across the country several decades ago to break apart the industrial zones from the other zones. That trend is reversing and it is more common today to find more flexible zoning codes that allow commercial land uses to occur in industrial zoning districts.
- The sub-committee proposes amending the LDC to allow the C-2 Commercial District's non-residential permitted uses within the M-1 Industrial District.
- The listing below shall be added to the M-1 list of permitted uses.
 - All non-residential uses permitted in the C-2 District

Permitted/Conditional Use Sub-committee Report

ITEM #21 - Removal of Unnecessary Auxiliary Commercial Uses Section in the M-1 Zoning District

- If Item #20 is approved, then this auxiliary commercial uses section can be eliminated from M-1.
- The listing below shall be removed from the M-1 list of permitted uses.

~~Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing industrial use:~~

~~Branch offices of banks, savings and loans and similar financial institutions~~

~~Convenience grocery stores~~

~~Credit unions~~

~~Restaurants as permitted in the C-1 District~~

~~Vehicle service stations or repair~~

Permitted/Conditional Use Sub-committee Report

ITEM #22 - Furniture Storage

- Furniture Storage is currently listed in the LDC as a permitted use in the following zones: C-2, C-3, CM, EZ-1, M-1, M-2, M-3, PRO & PEC. Staff and the sub-committee believe that this use is not needed in the LDC. If furniture storage occurs in conjunction with a furniture store, then it would be an accessory use and allowed in the same zones as furniture stores (C-1, C-2, C-3, CM, EZ-1 & PEC). A free-standing furniture storage operation (without associated retail sales) is similar enough to warehousing to be considered warehousing itself and should therefore be allowed in the zoning districts in which warehousing is a permitted use (CM, EZ-1, M-1, M-2, M-3, PRO & PEC).
- The sub-committee recommends removing the term “Furniture Storage” from the Land Development Code.

Permitted/Conditional Use Sub-committee Report

ITEM #23 - M-2 Two Ton Truck Weight Clarification

- Sales, repair and storage of trucks greater than two tons is limited to the M-2 zoning district. Additional clarification is suggested by the sub-committee regarding whether the two ton weight limit only applies to the truck itself, or to the truck plus its load. Staff and the sub-committee believe this weight indication is meant to refer to the truck weight only.
- The M-2 listing below shall be amended as shown.
 - Truck (greater than two tons; truck weight without load) and other heavy motor driven vehicles: sales, rental, repair and storage

Permitted/Conditional Use Sub-committee Report

ITEM #24 - Government Owned Buildings/Uses in PRO & PEC Zones

- “Governmentally owned or operated buildings or uses” is unnecessarily listed as a permitted use in the PRO Planned Research/Office District and the PEC Planned Employment Center District. Government buildings and uses are exempt from local zoning regulations and are treated as permitted uses in any zoning district; therefore this use should be eliminated from the permitted use lists in the PRO and PEC zoning districts.

Permitted/Conditional Use Sub-committee Report

- ITEM #25 - Hybrid Zones; Permitted/Conditional Uses

- Certain hybrid zoning districts allow *permitted* uses from multiple other zoning districts, but do not allow the *conditional* uses from those same zoning districts. For example, the EZ-1 zone allows permitted uses from both the C-2 and M-3 zones, but does not allow the conditional uses allowed in the C-2 and M-3 zones. Other hybrid zone examples: C-3 allows OR-3 & C-2 permitted uses; C-M allows C-2 & M-1 permitted uses and PEC allows M-2 & C-1 permitted uses. This regulation can potentially cause unneeded zoning change requests in order for an applicant to be eligible to request a particular CUP. The sub-committee proposes to eliminate paragraph K below.

- **Section 4.2.2 General Provisions (Conditional Use Permits)**

~~K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.~~

Permitted/Conditional Use Sub-committee Report

ITEM #26 - Bed & Breakfast Conditional Use Permit

- Bed & Breakfasts are currently allowed in the following zones:
 - Permitted Uses: R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, CM, EZ-1 & PEC
 - Conditional Uses: R-R, R-1, R-2, R-3, R-4, R-5, UN, TNZD, R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2 & W-3
- The sub-committee recommends the following changes (See report for details):
 - Move R-5A, R-6, M-1 (and M-2 & M-3), PRO, PTD, PRD, W-1, W-2 & W-3 from the conditional use category to the permitted use category.
 - Revision of paragraph D below regarding outdoor events.
 - ~~Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board. No outdoor event that is attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn shall take place within 200 feet of a dwelling unit unless approval is obtained in writing from the owner(s) of the dwelling unit. No outdoor event shall exceed two days in duration. No more than twelve (12) outdoor events shall be permitted on the same property within a calendar year.~~

Permitted/Conditional Use Sub-committee Report

ITEM #27 - Medical Professionals Conditional Use Permit

- The following changes are proposed to the medical professional's conditional use permit section.
- **Section 4.2.20 Doctor, Dentist, ~~or~~ Chiropractor Office or Other Approved Medical Professionals**

One office for one medical doctor, dentist, ~~or~~ chiropractor or other approved medical professionals may be allowed on a lot in the R-4, R-5, R-5A, R-5B, R-6, and R-7 districts where the premises abuts ~~a major or minor~~ an arterial or collector level street as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements

- A. Floor Area - The maximum floor area for the office use is ~~800~~ 1,000 square feet.
- B. Parking Areas - parking spaces shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of five feet, or a wall constructed of brick, stone or wood with a minimum height of five feet.
- C. Signs - There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to four square feet and placed on the building.
- D. Exterior Design - The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
- E. Number of Employees - No more than four total employees shall be permitted.

Permitted/Conditional Use Sub-committee Report

ITEM #28 - Funeral Home Conditional Use Permit

- The signage allowed for a funeral home with a CUP in the OR-1, OR-2, OR-3, OTF and C-R zones is too small. Code allows one sign (free-standing or attached) 15 SF in area and 10 feet tall. Increase sign allowance to 48 SF, but only allow maximum 6' tall. Also, a change is proposed to allow this conditional use on collector level streets in addition to arterials.

Section 4.2.26 Funeral Homes

Funeral Homes may be allowed in the OR-1, OR-2, OR-3, OTF, and C-R Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Funeral homes shall abut on a ~~major or minor~~ arterial or collector level street as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
- B. Signs - One non-flashing identification sign, not to exceed ~~45~~ 48 square feet in area and not to exceed ~~40~~ six feet in height, may be allowed, provided such sign is not in or over a required yard.
- C. The main building shall be located at least 30 feet from any property line.

Permitted/Conditional Use Sub-committee Report

ITEM #29 - Allow Mini-warehouses as Conditional Use Permit in C-1

- The sub-committee feels that mini-warehouses should be allowed in the C-1 Commercial zoning district as well as the C-2 zone with the granting of a Conditional Use Permit.

Section 4.2.35 Mini-warehouses

Mini-warehouses may be allowed in the C-1 or C-2 Districts where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

Permitted/Conditional Use Sub-committee Report

ITEM #30 - Scrap Metal Processing/Junkyards Conditional Use Permit

- The changes below involve referencing the correct chapters of Louisville Metro Code of Ordinances for these particular land uses.

Section 4.2.48 Scrap Metal Processing Facilities and Junkyards

Scrap Metal Processing Facilities and Junkyards as defined in the ~~Jefferson County~~ Louisville Metro Code of Ordinances may be allowed in the M-3 District upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Scrap Metal Operations shall be prohibited in all primary groundwater recharge areas.
- B. Operations shall be required to provide a detailed plan approved by the Metropolitan Sewer District illustrating measures taken to ensure the protection of surface and groundwater sources. Contamination of any domestic water supply, or surface run-off from the site onto any adjoining land, surface water body or wetland shall be mitigated by use of holding tanks, settling ponds or other necessary devices.
- C. All evidence of the Scrap Metal Operations shall be removed by the property owner promptly after its discontinuance as a business enterprise.
- D. The screening, buffering, security and operating standards shall comply with the requirements set forth in ~~Jefferson County~~ Louisville Metro Code of Ordinances, Chapter 114 for Scrap Metal Processing Facilities and Chapter 51 for Junkyards.

Permitted/Conditional Use Sub-committee Report

ITEM #31 - Proposed Event and Conference Venue Conditional Use Permit

Currently, the Land Development Code requires special events and conference venues either to be located in a commercial zoning district, or in some cases special temporary permits have been issued for similar activities. The sub-committee believes it is appropriate to create a conditional use permit opportunity for events and conference venues. The following conditional use permit proposal could be requested in any zoning district with conditions related to parking, noise, hours of operation, etc. attached to the conditional use permit by the Board of Zoning Adjustments.

Definitions

- Event and conference venue - A property, consisting of one or more lots (the “venue”), on which people gather for a common educational, cultural, religious or celebratory purpose (including but not limited to weddings and wedding receptions), or where lectures, discussions, workshops, meditation or contemplation occurs.
- Event - Any single gathering of people for a common purpose.

Proposed Text

An event and conference venue shall be permitted in any district upon the granting of a Conditional Use Permit, provided it complies with the following listed requirements:

- A. The required number of off-street parking spaces and the location, design and surface of off-street parking spaces shall be determined by the Planning Director or his or her designee based upon information provided by the applicant and based upon the recommendation of the Department of Public Works and Assets.
- B. Amplified sound shall conform to applicable noise ordinances and laws. The volume of amplified sound shall not be set at an unreasonably loud, harsh or excessive volume which disturbs the peace, quiet and comfort of neighboring property owners. The Board may impose reasonable operating hour limitations or require other measures to prevent sound nuisances from occurring in residential neighborhoods.
- C. Vehicle ingress and egress to the site shall be approved by the Director of Works and Assets or his or her designee. Gravel or other measures may be required to accommodate vehicles and prevent tracking of mud onto the public right-of-way.

Permitted/Conditional Use Sub-committee Report

ITEM #32 - Auction Sales

The Land Development Code currently allows auction sales (no distinction between indoor and outdoor) as a permitted use in the C-2, C-3, CM & EZ-1 zoning districts however there is no definition to explain exactly what auction sales means. The sub-committee reviewed this land use and proposes the following changes:

1. New definition - Auction Sales, Indoor - An operation in which the public sale of goods, wares, merchandise, or equipment to the highest bidder occurs entirely within a building or a portion of a building. This definition excludes the sale of animals and tobacco.
2. New definition - Auction Sales, Outdoor - An outdoor area or areas on a particular piece of property used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes the sale of animals and tobacco.
3. Allow Indoor Auction Sales as a permitted use in the C-2, C-3, CM, EZ-1, M-1, M-2 & M-3 zones.
4. Allow Outdoor Auction Sales as a permitted use in the M-2 & M-3 zones and as a conditional use in the C-2, C-3, CM & M-1 zones.
5. New section for Outdoor Auction Sales conditional use permit shown below:
 - a. Outdoor Auction Sales may be allowed in the C-2, C-3, C-M and M-1 zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.
 - i. All buildings and structures shall be at least 30 feet from any property line.
 - ii. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
 - iii. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
 - iv. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific auction sales operation.

Permitted/Conditional Use Sub-committee Report

ITEM #33 - Flea Markets

The Land Development Code currently allows flea markets (no distinction between indoor and outdoor) as a permitted use in the C-2, C-3, CM, EZ-1, M-2, M-3 & PEC zoning districts however there is no definition to explain exactly what a flea market technically is. The sub-committee reviewed this land use and proposes the following changes:

1. New definition - Flea Market, Indoor - Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale entirely within an enclosed building.
2. New definition - Flea Market, Outdoor - Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outdoors and not within an enclosed building.
3. Allow Indoor Flea Markets as a permitted use in the C-1, C-2, C-3, CM, EZ-1, M-1, M-2, M-3 & PEC zones.
4. Allow Outdoor Flea Markets as a permitted use in the EZ-1, M-1, M-2, M-3 & PEC zones.
5. Allow Outdoor Flea Markets as a conditional use in the C-1, C-2, C-3 & CM zones.
6. New section for Outdoor Flea Market conditional use permit shown below:
 - a. Outdoor Flea Markets may be allowed in the C-1, C-2, C-3 & C-M zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.
 - i. All buildings and structures shall be at least 30 feet from any property line.
 - ii. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
 - iii. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
 - iv. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific auction sales operation.

Permitted/Conditional Use Sub-committee Report

ITEM #34 - Accessory Apartments Conditional Use Permit

- The changes shown in paragraph A below will allow for additional flexibility in the ownership requirements for accessory apartments.
- Section 4.2.3 Accessory Apartments

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. However, this listed requirement (A) shall not apply if at the time of the conditional use permit application and for the life of the conditional use permit (i) the primary dwelling and not more than one (1) accessory dwelling are located within the same building, and (ii) the principal dwelling and the accessory dwelling have separate entrances.
- B. B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.
- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
 - 1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
 - 2. Traditional Neighborhood - at least one off-street space provided on the lot; and
 - 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

Conservation Subdivision Revisions

- This sub-committee was charged with reviewing the existing conservation subdivision regulations and proposing improvements to the section.
- Between March 5, 2013 and June 8, 2013 the Conservation Subdivision Sub-committee met six times. The meetings averaged five participants per meeting. The 12 individuals listed in the staff report participated in this sub-committee.
- After a thorough review of the current conservation subdivision regulations the sub-committee has determined that in its current format the regulation is more conducive to the creation of suburban conservation subdivisions. This suburban conservation subdivision option serves a purpose in our community, but ultimately should be complimented by a separate option that is more focused on the preservation of significant rural characteristics of the land.
- Beyond the changes proposed to the existing conservation subdivision regulations the sub-committee recommends that the LDC Main Committee direct PDS staff and others to begin analyzing the benefits of creating a new rural conservation subdivision option within the first quarter of 2014. **ACTION ITEM #1**

Conservation Subdivision Revisions

- Section 7.11 and Appendix 7A (attached to the staff report) contain the proposed changes to the existing conservation subdivision regulations. Changes are summarized below. **ACTION ITEM #2**
- 1. Eliminate required concept plan/sketch overlay submittal prior to site visit. Site visit should occur earlier in process. Now a pre-application submittal will be required which includes submittal of an Existing Resources and Site Analysis Plan. Then site visit with applicant and staff occurs. Then the required neighborhood meeting is conducted by the applicant. Then the preliminary plan is formally submitted to PDS.
- 2. Consolidated language regarding the conservation area management plan.
- 3. New requirement for a letter of explanation to be submitted explaining various key elements of the proposal.
- 4. Give the Planning Director the authority to require the applicant to submit a traditional (non-conservation) subdivision conceptual layout for the same property to be used as a comparison tool.
- 5. Landscape buffer areas are no longer allowed in Secondary Conservation Areas (SCA). SCA's are intended to be undeveloped, protected lands and to allow landscape buffers in them implies that newly designed landscaping and screening devices will be installed.
- 6. Property perimeter buffers may only be considered as Conservation Areas if they include existing trees that are designated as Tree Canopy Protection Areas (TCPA).
- 7. Additional language has been added to clarify that connections between conservation areas and common areas could be provided through a pathway that may be paved, mulched, natural or grassy or other similar ways to connect the areas.
- 8. Removed the requirement for the applicant to demonstrate the financial feasibility of the conservation area ownership and maintenance as well as elimination of the requirement to include cost estimates for maintenance, staffing, operations, insurance costs, etc.
- 9. Currently, off-street guest parking areas are allowed within Secondary Conservation Areas, but we now are prohibiting existing woodland areas from being removed for the purposes of constructing off-street guest parking areas.
- 10. Appendix 7A is a new document (prepared by Public Works staff) that includes guidelines for streets and sidewalks within conservation subdivisions.
- 11. Elimination of redundant statements.
- 12. Correction of grammatical errors.

Website Information

- www.louisvilleky.gov
- Navigate to Planning & Design Services Department page
- Select Land Development Code Icon
- Select Land Development Code Improvement Committee Link

Land Development Code Improvement Committee

One of the recommendations from the Planning & Design Services audit is to update and simplify the Land Development Code. The Land Development Code (LDC) Improvement Committee consists of Louisville Metro Government staff, representatives from the development industry, representatives from neighborhood groups, as well as other organizations and citizen groups. The LDC Committee will meet regularly to discuss suggested changes to the LDC. These suggestions have been received from various interested parties and citizens throughout the community.

The LDC Committee has completed the first phase of the project that focused on minor technical changes that will improve the functionality of the LDC.

The Planning Commission recommended approval of Round One of text amendments to the Land Development Code on March 29, 2012. This recommendation is to legislative bodies with zoning authority in Louisville Metro.

[Minutes from Text Amendment Review at Planning Commission March 29](#)

Planning Committee discussion of Round One of LDC Text Amendments

[Minutes from the February 9, 2012 Planning Committee Meeting](#)

(The section of the minutes from the February 9 Planning Committee meeting that cover Round One discussion are highlighted in yellow and begin on page 4.)

Updated Committee Comment List [June 1, 2012](#)

Proposed Text Amendments [Proposed LDC Text Amendment List DRAFT](#)

<u>Meeting Date</u>	<u>Agenda</u>	<u>Meeting Summary</u>
<u>Round Two Meetings:</u>		
May 22, 2012	<u>agenda</u>	<u>Round Two Kick-Off Meeting Presentation</u> <u>summary</u>
<u>Round One Meetings:</u>		
January 17, 2012	<u>agenda</u>	<u>summary</u>
December 20, 2011	<u>agenda</u>	<u>summary</u>
December 6, 2011	<u>agenda</u>	<u>summary</u>
November 22, 2011	<u>agenda</u>	<u>summary</u>
November 8, 2011	<u>agenda</u>	<u>summary</u>
October 25, 2011	<u>agenda</u>	<u>summary</u>
October 11, 2011	<u>agenda</u>	<u>summary</u>
September 27, 2011	<u>agenda</u>	<u>summary</u>

Subcommittees

Subcommittees of the Land Development Code Improvement Committee have been formed to study particular sections and issues in the code. These subcommittees and meeting dates are listed below. Additional information about the work of each subcommittee will be posted as it becomes available.

All meetings will occur in the Metro Development Center, 444 S. Fifth Street.

Permitted/Conditional Use Listings Review - June 14 - 3:00 - 4:30 pm - 6th floor conference room

The following meetings will be conducted in the **first floor conference room**:

Form Districts - June 26 - 3:00 to 4:30 pm

Infill Development Standards - June 26, July 10, and July 24 - 9:00 to 10:30 am

Landscaping/Tree Canopy Requirements - June 25, July 9, and July 23 - 3:00 to 4:30 pm

Development Review Process - Monday, June 11th - 2:00 to 3:30 pm

Fair & Affordable Housing - Tuesday, June 12th - 9:00 to 10:30 am

Major/Minor Subdivisions - Tuesday, June 12th - 2:00 to 3:30 pm

Transportation/Mobility/Parking - Wednesday, June 13th - 10:00 to 11:30 am

Miscellaneous Research - Wednesday, June 13th - 2:00 to 3:30 pm